

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

FIRST-CLASS MAIL AND PERIODICALS
SERVICE STANDARD CHANGES, 2021

Docket No. N2021-1

NOTICE OF THE UNITED STATES POSTAL SERVICE OF FILING
OF USPS-LR-N2021-1-NP3 AND APPLICATION FOR NONPUBLIC TREATMENT
(May 10, 2021)

The Postal Service hereby gives notice of filing of the material indicated below as part of the **Non-Public Annex** in this proceeding:

USPS-LR-N2021-1-NP3	Nonpublic Material Provided in Response to Carlson Interrogatories to Witness Cintron (First Set)
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As indicated, this material relates to certain requests for information posed on May 3, 2021, in the first set to witness Cintron (DFC/USPS-T1-1 – 15). Some of this material is the nonpublic response to a question that includes nonpublic contract carrier information similar to that submitted under seal in USPS-LR-N2021-1-NP1 and NP2, and accordingly is submitted as part of the nonpublic annex in this proceeding.

Attached to the Postal Service's Notice of Filing of Library References, submitted April 21, 2021, was the Application for non-public treatment of the non-public annex, which is hereby incorporated by reference.

Other parts relate to commercially sensitive information regarding network information regarding specific facilities and origin-destination pairs. Attached is an

application for nonpublic treatment specifically applicable to those parts of the Library
Reference.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorney:

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May 10, 2021

APPLICATION OF THE UNITED STATES POSTAL SERVICE FOR NON-PUBLIC TREATMENT

In accordance with 39 C.F.R. § 3011.201, the United States Postal Service (Postal Service) hereby applies for non-public treatment of certain materials filed under seal with the Commission. The materials covered by this application consist of specific information regarding airports serving mail transportation requirements from specific cities in response to Interrogatory DFC/USPS-T1-11 and information regarding processing facility pairs connected via air transportation in response to Interrogatory DFC/USPS-T1-12, submitted within USPS-LR-N2021-1-NP3.

The Postal Service hereby furnishes the justification required for this application by 39 C.F.R. § 3011.201 below.

(1) The rationale for claiming that the materials are non-public, including the specific statutory provision(s) supporting the claim, and an explanation justifying application of the provision(s) to the materials

The materials designated as non-public consist of specific information regarding the Postal Service's air transportation network, including airports from which mail volume is moved by air from specific cities and a listing of processing facilities between which mail volume is moved by air, information concerning postal operations that under good business and security practices would not be disclosed publicly. Based on its long-standing and deep familiarity with postal and communications business and markets generally, and its knowledge of many firms, including competitors, mailers, and suppliers, the Postal Service does not believe that any commercial enterprise would voluntarily publish detailed information pertaining to its transportation modes and practices. In the Postal Service's view, this information would be exempt from mandatory disclosure

pursuant to 39 U.S.C. § 410(c)(2) and 5 U.S.C. §§ 552(b)(3).¹

(2) A statement of whether the submitter, any person other than the submitter, or both have a proprietary interest in the information contained within the non-public materials, and the identification(s) specified in paragraphs (b)(2)(i) through (iii) of this section (whichever is applicable). For purposes of this paragraph, identification means the name, phone number, and email address of an individual.²

The Postal Service has a proprietary interest in the information contained within the non-public materials. The Postal Service designates Rory E. Adams to accept actual notice of a motion related to the non-public material or notice of the pendency of a subpoena or order requiring production of the materials. Mr. Adams' email address is rory.e.adams@usps.gov, and his telephone number is 202-268-8706.

(3) A description of the information contained within the materials claimed to be non-public in a manner that, without revealing the information at issue, would allow the Commission to thoroughly evaluate the basis for the claim that the information contained within the materials are non-public.

USPS-LR-N2021-1-NP3 includes the Postal Service's response to Interrogatory

¹ In appropriate circumstances, the Commission may determine the appropriate level of confidentiality to be afforded to such information after weighing the nature and extent of the likely commercial injury to the Postal Service against the public interest in maintaining the financial transparency of a government establishment competing in commercial markets. 39 U.S.C. § 504(g)(3)(A). The Commission has indicated that "likely commercial injury" should be construed broadly to encompass other types of injury, such as harms to privacy, deliberative process, or law enforcement interests. PRC Order No. 4679, Order Adopting Final Rules Relating to Non-Public Information, Docket No. RM2018-3 (June 27, 2018) at 16 (reconfirming that the adopted final rules do not alter this long-standing practice); PRC Order No. 194, Second Notice of Proposed Rulemaking to Establish a Procedure for According Appropriate Confidentiality, Docket No. RM2008-1, Mar. 20, 2009, at 11.

² Section 3011.201(b)(2) further states the following:

(i) If the submitter has a proprietary interest in the information contained within the materials, identification of an individual designated by the submitter to accept actual notice of a motion related to the non-public materials or notice of the pendency of a subpoena or order requiring production of the materials.

(ii) If any person other than the submitter has a proprietary interest in the information contained within the materials, identification of each person who is known to have a proprietary interest in the information. If such an identification is sensitive or impracticable, an explanation shall be provided along with the identification of an individual designated by the submitter to provide notice to each affected person.

(iii) If both the submitter and any person other than the submitter have a proprietary interest in the information contained within the non-public materials, identification in accordance with both paragraphs (b)(2)(i) and (ii) of this section shall be provided. The submitter may designate the same individual to fulfill the requirements of paragraphs (b)(2)(i) and (ii) of this section.

DFC/USPS-T1-11. It describes how Eureka, CA, Medford, OR, Missoula, MT, Great Falls, MT, and Rapid City, SD are connected to the Postal Service's air transportation network and specifically identifies the airports from which the Postal Service transports mail from these cities.

USPS-LR-N2021-1-NP3 also includes a spreadsheet produced in response to Interrogatory DFC/USPS-T1-12. The spreadsheet lists origin and destination processing facilities within the contiguous United States that are connected via the Postal Service's air transportation network.

(4) Particular identification of the nature and extent of the harm alleged and the likelihood of each harm alleged to result from disclosure.

If the information the Postal Service determined to be protected from disclosure due to its sensitive nature were to be disclosed publicly, the Postal Service it could pose a potential security or law enforcement threat, in that the information could be used to ensure, based upon origin and destination, that particular mail pieces are entered into the Postal Service's air transportation network.

(5) At least one specific hypothetical, illustrative example of each alleged harm.

Harm: Public disclosure of specific information regarding the Postal Service's air transportation network could pose security threats.

Hypothetical: A Postal Service customer intends to attempt to mail material that is hazardous to aircraft for nefarious purposes. The information contained in USPS-LR-N2021-1-NP3 could permit the customer to select an origin and destination mailing location designed to ensure that the mail is entered into the Postal Service's air transportation network.

(6) The extent of protection from public disclosure deemed to be necessary.

The Postal Service maintains that the portions of the materials filed non-publicly

should be withheld from actual or potential customers of the Postal Service.

(7) The length of time deemed necessary for the non-public materials to be protected from public disclosure with justification thereof; and

The Commission's regulations provide that non-public materials shall lose non-public status ten years after the date of filing with the Commission, unless otherwise provided by the Commission. 39 C.F.R. § 3011.401(a). The Postal Service seeks full protection during this time period and thereafter.

(8) Any other factors or reasons relevant to support the application.

None.

Conclusion

For the reasons discussed, the Postal Service asks that the Commission grant its application for non-public treatment of the identified materials.